



PATENT
Attorney Docket 044574-5061

16416
RECEIVED

AUG 08 2001

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **John R. Carlson et al.**

)

)

Application No. **09/491,577**

)

Group Art Unit: **1646**

)

Filed: **January 25, 2000**

)

Examiner: **Joseph Murphy, Ph.D.**

)

For: **Novel Odorant Receptors in Drosophila**

)

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed after the events recited in § 1.97(c) but to the undersigned's knowledge, before the mailing date of either a Final Office Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by the fee of \$180.00 as specified by § 1.17(p).

The documents listed on the accompanying Form were cited in the International Search Report and Written Opinion which issued in a foreign counterpart application, International Application No. PCT/US/00/01823. Copies of the documents, the International Search Report and Written Opinion are attached. One of the documents cited in the Search Report (Clyne *et al.* (1999) Neuron 22, 327-338) has already been submitted in the previously filed Information Disclosure Statement dated July 21, 2000, and therefore is not being submitted at this time to avoid duplication. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the above-listed documents are material or constitute prior art. If the Examiner applies the documents as prior art against any claim in the application and Applicants determine that the cited document does not constitute prior art under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the application and the references therein, should one or more of the documents be applied against the claims of the present application.

Attorney Docket **044574-5061**
Application No. **09/491,577**
Page 2

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **August 6, 2001**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1800 M Street, N.W.
Washington, D.C. 20036
202-467-7000

Respectfully submitted
Morgan, Lewis & Bockius LLP

Erich E. Veitenheimer
Erich E. Veitenheimer
Registration No. 40,420